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ABSTRACT

The interim findings of a citizen commission charged with monitoring the implementation of the Chicago (Illinois) Public School desegregation plan are presented. The first of four sections of the report describes the context for the monitoring effort, including legal suits against the school systems in the 1960s and the events and legal decisions leading to the desegregation plan and the formation of the district's Monitoring Commission for Desegregation Implementation. The second section describes the monitoring experiences including the targeted schools, the organization and membership of the commission, the magnet schools and transfer options, other educational components, the affirmative action and staff development efforts, and reflections on the first year of the monitoring effort. The third section describes the monitoring strategy and includes an interim report from each of the commission's subcommittees along with the methodologies and findings. The findings indicate that although some progress was made in reading achievement scores, those scores still lag behind comparison and citywide schools. In addition, the commission found that many problems persist in desegregation implementation. The fourth section offers an overview of the current status of the implementation and in particular the constitutional vulnerability of the plan due to the lack of implementation. One table is included. (JB)

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MONITORING COMMISSION FOR DESEGREGATION IMPLEMENTATION

Leon D. Finney, Jr.
Commission Chairman

ED342852

Interim Report:

A Promise of Simple Justice in the Education of Chicago School Children?

Prepared for

Monitoring Commission for Desegregation Implementation

by

Mary Davidson
Lead Consultant to Commission

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Chicago Public Schools

Ruth B. Love
General Superintendent of Schools

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Other

Reference documents available upon request, Interim Reports:

Target Schools - Donald Hugh Smith

Magnet Schools and Student Transfer Options - Charles Leslie Glenn, Jr.

Other Educational Components - Claire B. Halverson

Affirmative Action and Staff Development - Geraldine Daniels Brownlee

FOREWORD

Leon D. Finney, Jr.
Commission Chairman

The Monitoring Commission for Desegregation Implementation was appointed in September, 1981, by Dr. Ruth B. Love, General Superintendent of Schools, Chicago, Illinois, in accordance with recommendations contained in Part I of the Student Desegregation Plan for the Chicago Public Schools adopted by the Chicago Board of Education in April, 1981. The Commission is charged with assessing the implementation of desegregation policies designed to protect the civil and educational rights of all children, but especially those enrolled in bilingual and special education programs and in minority schools unaffected by physical desegregation. In keeping with this mandate the following goals and objectives were developed:

1. To monitor, review, and develop recommendations to assess and improve the timely implementation of stated annual objectives of the desegregation plan, and provide periodic reports to the General Superintendent.

2. To assist the Superintendent in identifying implementation problem areas, and areas needing priority attention.

3. To provide a forum for the broader community to express its concerns, and to become involved in the desegregation effort.

4. To provide a mechanism for establishing closer working relationships between the system's administration and various groups and agencies in the city, including those who can share a wide variety of expertise and resources with the schools.

5. To provide a vehicle for explaining and interpreting desegregation requirements, programs, and progress to the broader community.

6. To assess the effectiveness and impact of activities designed to promote broad community involvement in the desegregation process.

The Monitoring Commission is singularly unique as a citizens' group involved with public education in that its racially and ethnically diverse members closely mirror the Chicago Public School's student populations. This near perfect racial balance has been achieved without sacrificing the goal of maintaining professional diversity,in that Chicago's business, educational, religious, civic and community leadership is well represented. Thus,the soul of the Commission rests with a truly Chicago membership.

Each Commissioner carries major civic responsibility and contributes to the quality of life in Chicago. Yet each conscientiously serves and volunteers their time and resources to this Commission. I am personally grateful to each and every member of the Monitoring Commission. Without the long volunteer hours they have contributed, this report would not have been possible.

This Commission's work is central to the viability of Chicago -- now and in the next decade. Chicago's future is its children.

While it is clear that the Student Desegregation Plan will not in and of itself lead to integration,it can serve an equally important purpose. It can insure that every public school student receives a quality education. Thus we are all challenged to see that the Plan

does not falter. There is a role for each of us. This means therefore that all Chicagoans must join with the General Superintendent and the Board of Education, with the Commission, public interest groups, and with parents and teachers, to insure that quality is the standard for all Chicago's school children, not just an elite few. The present and future quality of life in Chicago is not to be measured just by its fiscal resources, nor just its crime rate, its quality of housing, transportation and medical services; rather Chicago's future must also be measured by the achievement of its public school children.

Even though hampered by insufficient financial and staff resources, the Commission, its staff and its consultants have worked long and hard to fulfill their duty to Chicago's citizens. I am grateful to each. Most important, Lauren E. Allen, Executive Director of the Commission and the only full-time staff person, has provided outstanding support to the Commission and to its consultants. I wish to thank also each of the subcommittee consultants: Geraldine Daniels Brownlee, Charles Leslie Glenn, Jr., Claire B. Halverson, and Donald Hugh Smith.

Our lead consultant, Mary Davidson, who prepared this report, is to be praised for capturing the essense of the Commission's intent. I wish to thank the School of Social Service Administration, The University of Chicago, for allowing her to serve as Lead Consultant.

Finally, on behalf of the Commission I wish to thank Dr. Ben Williams, Associate Superintendent, Office of Equal

Educational Opportunity, and Mr. Judson Hixson, liaison from that Office to this Commission for their assistance.

ACKNOWLEDGEMENTS

Several persons contributed to the development of this report. Professors Frank R. Breul and Edward J. Mullen of the School of Social Service Administration, The University of Chicago, and Cindy Benedict, Administrative Assistant to the Dean in that School, are thanked for their careful reading of early drafts of this report.

Leon D. Finney, Jr., Commission Chairman, provided encouragement and substantive leadership as did the members of the Executive Committee. Further, individual Commission members provided helpful suggestions as to substance and clarity. I thank all of them. However, of the numerous persons who provided information and assistance in developing this report, two deserve special thanks.

Lauren E. Allen, Executive Director of the Commission, prepared the initial summaries of the subcommittee reports. She conscientiously contributed to all phases of the work required to produce this report.

Professor Donnell M. Pappenfort, the School of Social Service Administration, The University of Chicago, carefully edited the manuscript as well as provided helpful suggestions which served only to improve this document.

I wish also to thank Judson Hixson, Liaison to the Commission from the Office of Equal Educational Opportunity, who shared freely of his knowledge and experience about public education and school desegregation.

Vivian Tillman and Patricia Edwards typed diligently and are thanked for their dedication to this project.

Mary Davidson, Ph.D.

I. The Context of Monitoring

> To a major extent the Plan reflects a promise of things to come. That promise is within the range of constitutional acceptability if it is kept.
>
> Judge Milton I. Shadur

On Thursday, January 6, 1983, U.S. District Court Judge Milton I. Shadur approved the Chicago Board of Education's voluntary desegregation plan: "Were the paper promise of the plan to be broken in its performance, it would not pass constitutional muster despite its nominal adherence to the standards of the law."

The decision lifts to stark relief the importance of the work of the Monitoring Commission for Desegregation Implementation for Chicago's minority school children and, ultimately, for the city's future. Although Judge Shadur did not specifically mention a monitoring commission, his opinion in United States of America v. Board of Education of the City of Chicago clearly sets the stage for the very significant role that this monitoring commission is to play.

The Commission's mandate is to assess the implementation of desegregation policies designed to protect the civil and educational rights of all children, especially those in bilingual and special education programs and those enrolled in schools unaffected by physical desegregation. To this mission may be added the role of applying to the implementation process the test of constitutionality. If indeed

as the court has suggested the Plan is only constitutional to the extent that it is fully implemented, then the Commission would be negligent if it did not in the future identify those areas where the implementation process was vulnerable to noncompliance. It is the Commission's task to determine whether the promise to all Chicago school children is kept.

The issues of pupil and teacher segregation have plagued Chicago's citizens since Webb v. Chicago Board of Education, a 1961 suit filed by black parents alleging racial bias in student and teacher assignments.

Twenty years after Webb and nearly thirty years after Brown v. Board of Education of Topeka, the Chicago Board of Education now has a court-approved school desegregation plan. The currently approved Plan derives from a Consent Decree entered into by the Board and the U.S. Department of Justice and approved by the U.S. District Court for the Northern District of Illinois on September 24, 1980. That agreement outlined two basic objectives for school desegregation in Chicago: (1) the establishment of the greatest practicable number of stably desegregated schools, considering all the circumstances in Chicago, and (2) the provision of educational and related programs for any black or Hispanic schools remaining segregated in order to correct the educational disadvantages of past or continuing racial isolation.

Although in signing the Consent Decree the Board neither admitted nor denied allegations of discrimination, it did acknowledge that the Chicago public school system is characterized by substantial racial isolation of students and noted that such isolation is educationally disadvantageous for all students. The Consent Decree stated the Board's belief that litigation, as opposed to negotiation, of this matter would

be protracted. To do otherwise might have required a substantial expenditure of public funds through the commitment of Board and staff time and resources, at a time when financial and personnel resources were already greatly limited; such resources could more appropriately be used to achieve the educational goals of the school system. The Board and the U.S. Department of Justice therefore agreed to a negotiated settlement of the action, believing this to be in the public interest.

Subsequently, on April 15, 1981, the Board approved Recommendations on Educational Components, Part I of the Student Desegregation Plan. This document formulated several vehicles for both ensuring educational equity and raising the achievement levels of students, including various recommendations affecting curriculum, the caliber of school administration, expectations held by teachers for their students, overall climate in the school, physical condition of school facilities, and use of test results to improve instruction. Specific educational components addressed by the Plan include student discipline, staff development, special education and testing, bilingual education, magnet schools, and faculty desegregation and affirmative action, as well as monitoring and evaluation.

Student Assignment Principles, Financial Aspects and General Policies, Part II of the Plan, approved on April 29, 1981, set the framework and timetable for development of a comprehensive student assignment plan. In addition, the Principles established percentage definitions for "integrated" and "desegregated" schools under the Plan, i.e., those with enrollments either 30 to 70 percent white or 30 to 70 percent minority, and mandated the Board's adoption of a variety of

voluntary student assignment techniques plus some mandatory measures not involving transportation, to maximize achievement of stably desegregated schools.

Both Parts I and II of the Plan were criticized by citizen groups. The Puerto Rican Legal Defense and Education Fund and the Mexican American Legal Defense and Educational Fund -- acting as counsel for Pilsen Neighbors Community Council, Westtown Concerned Citizens Coalition, and the Latino Institute -- in response to the Plan charged that Recommendations on Educational Components failed to provide equal educational opportunities to Hispanic students.

The position of the Hispanic organizations was that, even if it were accepted that many schools would remain predominantly black and Hispanic because of demographic and other practical considerations, the Plan was flawed. What the Board termed "concrete steps to make public schools work for minority children" were, according to those groups, general promises with specific programs limited to a small number of schools.

The Hispanic organizations therefore suggested that, in the context of the entire Student Desegregation Plan, it was apparent that the educational components were to bear the brunt of providing equality in education for the Hispanic students in the Chicago Public Schools and not physical desegregation.

The National Association for the Advancement of Colored People (NAACP), however, filed a brief that emphasized the need to reduce racial isolation, viewing the "implementation of educational components

as necessary but ancillary relief to support and insure the reflective implementation of student desegregation plans."

The Citizens School Committee, a multi-racial and multi-ethnic association of parents, community and civic leaders, educators, and other concerned citizenry, also focused on the need to reduce the number of racially isolated schools.[1] Moreover, the Committee stated a concern about quality education in those schools, noting that of the more than 350 schools so classified, only 45 were targeted for focused and enhanced compensatory educational programs.

In the wake of ferment within the community over Part I and Part II of the Plan, the Board, its planners, and its lawyers developed an operational plan to implement the student assignment principles.

On January 22, 1982, the Board adopted the third and final part of its school desegregation plan--The Comprehensive Student Assignment Plan. Designed to maximize reduction of racial and ethnic isolation in Chicago schools, the Plan emphasized voluntary student assignment measures, with some mandatory provisions not including transportation of pupils. Four basic strategies were identified:

1. to attract children back to the Chicago Public Schools by directly competing with private, parochial, and suburban schools;
2. to stabilize and increase the desegregation that already exists in some schools;

---

1. Racially isolated or racially identifiable refers to those schools that have 85 to 100 percent minority enrollments.

3. to the greatest extent practicable, to desegregate those schools that are not desegregated; and

4. to avoid the unnecessary use of compulsory measures.

Criticisms of the Educational Components only foreshadowed the subsequent criticisms by community groups when the Comprehensive Student Assignment Plan was released January 22, 1982. Concerned Hispanic organizations again pointed out that many Hispanic students would remain in racially isolated schools and "will therefore rely on educational programs to provide equal educational opportunity," confirming the Hispanic groups' prior emphasis on compensatory programs.

The Chicago Urban League echoed some of these same concerns but differed from other amici curiae by identifying a series of features in the Plan intended to minimize white flight, and which contributed to added burdens and restrictions being placed on blacks. These included:

1. the failure to require black participation in the definition of the remedy of past racial isolation;

2. allowing a system with only 17 percent whites to retain 70 percent white schools;

3. the creation of restrictions against minorities transfering into schools that would thereby drop below 50 percent white;

4. the exemption from racial quota transfer-out restrictions granted exclusively to whites (who wish to attend a magnet school) when such preferential treatment does not even assume that the goal of desegregation will be enhanced in any individual instance;

5. the failure to explicitly require any whites to attend a school outside their residential neighborhood while continuing to mandate that blacks attend schools outside their residential neighborhood.

Critiques of the Student Assignment Plan by the NAACP emphasized the Plan's failure to reduce "the severe isolation of black and Hispanic students in the district," stating that "for most black students in the district, desegregation is an illusory promise both now and in the future."

The Jewish Council on Urban Affairs also expressed concern and in a letter to the Court endorsed a set of principles previously adopted by the Citizens Schools Committee. The Council joined the Citizens Schools Committee in endorsing the principle that "in those cases where racial isolation cannot be overcome, compensatory education must be provided." Moreover, both groups expressed concern that:

> The desegregation plan adopted and implemented by the Chicago Board of Education, where practicable, should make every effort to desegregate Black and White students and avoid for purposes of compliance the desegregation of a disproportionate number of Hispanic and Asian students. We strongly feel that the Chicago Board of Education in its assignment of students and teachers should remain cognizant of the intent of the Brown vs. Topeka Board of Education decision which was to ensure that Black and White children be afforded an equitable education through school desegregation.

Disagreement with the Plan was not limited to the community; there was also disagreement on the Board. The Comprehensive Student Assignment Plan barely passed by a margin of six to five. Board member Joyce A. Hughes, in casting her dissenting vote, noted that the Plan suffers from two

fundamental flaws: (1) it protects white students at the expense of black students; and (2) it regards racial minorities as "fungible," i.e., interchangeable. "The Plan proceeds from the assumption that desegregation requires that white students either be in the numerical majority or be present in equal numbers with racial and ethnic minorities in the regular schools," Hughes noted. "This is evidenced not only by the majority to minority transfer policy, but also by data on the aggregate percentage of blacks in schools defined as stably integrated, integrated but changing, stably mixed, and desegregated." Further, Hughes said:

> The Plan treats race and ethnicity as a fungible concept, i.e., it suggests that it is the same thing to be black as it is to be Hispanic; or that it is the same thing to be Hispanic as it is to be Asian. But racial minorities are not interchangeable. Those who have studied history know that the socio-political and legal status of blacks, Hispanics, Asians and American Indians, is indeed distinct. They also know that when it is convenient, blacks, browns, yellows, and reds are mashed together into one meat loaf, but when it is not, each group is played off against the other.

In spite of the numerous and varied criticisms leveled at parts of Chicago's Student Desegregation Plan the Court has found it constitutional. The Plan therefore provides the framework for the continued work of this Commission. However, its constitutionality may be questioned if the National Association for the Advancement of Colored People successfully carries out its announced intention to challenge the Court's finding. Further litigation may substantively alter the Plan and its implementation by the Board and thus change the future course of school desegregation in Chicago.

II. The Experience of Monitoring

To carry out its work, the Commission is organized into an Executive Committee, chaired by the Commission Chairman, and four standing subcommittees: Target Schools, Magnet Schools and Student Transfer Options, Other Educational Components, and Affirmative Action and Staff Development. Each subcommittee works with the assistance and guidance of a consultant. The following descriptions of the activities of the subcommittees over the 1981-82 school year are based on the interim reports prepared by their consultants.

The purpose and mandate of each subcommittee, along with a description of the problems encountered developing and carrying out a monitoring strategy during the 1981-82 school year, are reported below. (Findings are reported on in Section III.)

Target Schools

Members of the subcommittee are Michael Scott, Chairperson, Barbara Bowman, Wolfgang Epstein, Carmelo Rodriguez, and Oscar Shabat.

Purpose

The Consent Decree recognized that a large number of Chicago schools would remain racially and, in many instances, economically isolated, even after implementation of a comprehensive student assignment plan.

Part I of the Student Desegregation Plan recommended that the Board select the maximum feasible number of racially isolated black or Hispanic schools in which to implement a strong instructional intervention strategy for raising academic achievement levels. The Subcommittee on Target Schools of the Monitoring Commission was therefore constituted and delegated responsibility for monitoring what is known as the Chicago Effective Schools Project. As part of the process of making recommendations, it should provide opportunities for participation by faculty, staff, parents, and students involved with the 45 racially isolated schools participating in the Project.

Problems and Strategies in Monitoring

The Target Schools Subcommittee's strategy for reviewing implementation of the Plan assumes that upgrading achievement depends not only upon cognitive/academic issues (such as modified instructional methods and curriculum), but also upon affective/perceptual issues (such as how people feel about themselves in relation to the schools). Accordingly, its activities include review of such issues.

The monitoring strategy of the subcommittee rested on a plan to ascertain program goals, curricular objectives, and implementation processes. This was to be accomplished by analyzing the proposals submitted for each of the 45 schools applying for supplemental State Title I and Office of Equal Educational Opportunity (OEEO) funds. These analyses were to provide an informed basis for planned visitations by the subcommittee to the schools before the end of the 1981-82 academic year. However, for a protracted period of time Board staff failed to provide copies of the proposals so that by the time the

analyses of the proposals were complete, the visits to the schools could not be carried out.

Failure by Board staff to provide the needed information in a timely manner seriously impeded the subcommittee's work. It could not complete its full assessment of progress at the schools during the 1981-82 academic year.

Magnet Schools and Student Transfer Options

Members of the subcommittee are Virginia Lewis, Acting Chairperson, Nancy Abbate, James Compton, Helene Gabelnick, and Juan Soliz.

Purpose

The Subcommittee on Magnet Schools and Student Transfer Options was established to monitor the Board's implementation of the Comprehensive Student Assignment Plan. It should make recommendations and provide opportunities for input by parents and students involved with Magnet Schools, Magnet School programs, and other activities designed to promote voluntary student movement into desegregated settings. The Plan itself is complex, involving over two hundred schools divided into several categories, each with distinct objectives and strategies formulated in the Plan.

Fall, 1982, was to be a critical mid-point for implementation. Information about enrollment, voluntary transfers, population trends, new programs in place, and the measures taken to assure that site administrators understood clearly their responsibilities with respect to the Plan's policies were critical to determining whether implementation of the Plan was "on track and on time" or whether corrective

and supplemental efforts were needed to achieve the goals set for the Fall of 1983.

Problems and Strategies in Monitoring

In June, 1982, the subcommittee reviewed strategies for assessing progress in implementing the Plan. Full assessment would require viewing each of the elements (e.g., magnet schools/programs, teamed schools, permissive transfers, controlled enrollment, etc.) from perspectives such as program development and planning, recruitment/parent information, compliance with admission/assignment requirements, equity considerations, commitment of funding, desegregation outcomes (statistical), and integration results (attitudinal, programmatic). It was apparent that constraints of time and staff prevented examination of each element in every aspect.

The subcommittee considered three approaches to monitoring: (1) monitor all aspects of selected elements of the Plan; (2) monitor selected aspects of all elements of the Plan; or (3) monitor selected problem areas identified by the subcommittee, amici curiae briefs critical of the Plan, and other external criticisms. The subcommittee identified 19 aspects about which it planned to seek information in a variety of ways: discussions with OEEO staff, school/community relations staff, and selected school leaders; school site visits; employing local consultants for advice on information systems and how to assess integration. Based on this strategy, a preliminary work plan was devised and initial requests were made for data about pupils.

By August, a preliminary report by the subcommittee's consultant provided a framework for analysis. Essentially an extended analysis of

the Student Assignment Plan, the report identified in a series of charts the Plan's objectives; it stated in operational terms what should be accomplished by the Fall of 1982 in order to implement the Plan on schedule and listed the schools affected by each of the objectives. In some cases it commented on implementation to date or other special concerns.

At that time, the subcommittee noted that the periodic progress reports prepared by Board staff dealt with only a few aspects of student assignment, essentially the changing percentages of minority students in the predominantly white schools and enrollments in magnet schools and programs (earlier reports dealt also with boundary adjustments). Such information, though useful, was presented in terms of percentages without information on numbers of students transferring. Percentages, when used as a standard without reference to actual numbers, can be misleading. The subcommittee did not believe that progress reports of the Board took a sufficiently broad view of so complex and interactive a Plan.

Another observation made by the subcommittee was that the practice of collapsing categories of schools in compliance for different reasons, prevents adequate analysis of the impact on desegregation. The Student Assignment Plan uses such an aggregate approach and is potentially misleading. For example, the Plan requires the Board to achieve " a minimum total enrollment in all integrated and desegregated schools ... by October, 1983 of at least two times the number of white children available for such schools." A good and reasonable standard to set, it would permit looking at the overall pattern of integration and desegregation in a realistic way, allowing progress in Chicago to be compared to

that in other cities where minority students constitute the majority and the number of white students varies.

However, the words which have been eliminated in the above quotation -- "including magnet schools, scholastic academies, and metropolitan high schools" -- distort the standard to a serious degree. Most of the schools in these particular categories are not integrated or desegregated by the terms which are applied to other Chicago schools, several of which are largely minority. By including their enrollment with those of integrated and desegregated schools, the impression is created that far more students are experiencing racial integration than is in fact the case.

Other Educational Components

Members of the subcommittee are Rodolfo Vilaro, Chairperson, John Brown, Othello Ellis, Edgar Epps, Charles Shelby Rooks, and Ralph Simon.

Purpose

This subcommittee is charged by the Monitoring Commission to evaluate educational and related programs designed to remedy the systemwide effects of past and ongoing racial isolation in black and Hispanic schools. The thrust of the effort is directed to reviewing specific components of those programs in light of the recommendations adopted by the Board of Education (April, 1981) to carry out the systemwide plan under the Consent Decree. Documented evidence is sought that those plans and recommendations have been put in place and are actually functioning and benefitting black, Hispanic, and

other minority student populations. Fundamentally, the subcommittee must (1) determine what curricular adjustments have taken place to facilitate implementation of the specific Plan components under the subcommittee's review and (2) assess the degree of progress or success of such implementation efforts since the time of their inception. In order to make such determinations, the subcommittee's initial deliberations centered on the fundamental problems of how to monitor such a large educational system with a degree of accuracy sufficient to be credible to its potential audiences -- namely, the General Superintendent, the Board of Education, and the citizens of Chicago.

Problems and Strategies in Monitoring

The subcommittee's initial considerations of monitoring strategies were framed in terms of the following questions: (1) What would be the most effective strategies to carry out the tasks at hand? (2) What types of consultants would be needed to assist the subcommittee? and (3) What criteria should be employed to assess progress made on specific recommendations?

Several elements of the Plan and related issues are within the purview of the Subcommittee on Other Educational Components. The subcommittee, after examining the range and complexity of the components to be reviewed, decided that it would eventually need the help of more than one consultant with specialized expertise.

The subcommittee decided to give priority to reviewing three of the eight Plan components under its charge: elementary level curriculum, content of instruction materials, and student discipline. A first step toward moniroting was the development of an evaluation checklist for each

of these components by the subcommittee's consultant. Developing evaluation checklists for the remaining five components -- as well as identifying, collecting, and analyzing the data needed to assess and report on implementation -- were steps remaining to be taken during the next academic period.

Several problems of procedure and evaluation were identified by the subcommittee while examining Board documents and other information provided to it by Board staff: (1) failure of Board staff to provide on a timely basis materials needed by the subcommittee members or its consultant, (2) voluminous and wordy reports which made it difficult to track or identify progress. These reports suggest that the school system itself may have difficulties in dealing with the implementation of its school desegregation plan.

Affirmative Action and Staff Development

Members of the subcommittee are Lester McKeever, Chairperson, Elias Argott, Lenora Cartright, and Benjamin Duster.

Purpose

The Subcommittee on Affirmative Action and Staff Development of the Monitoring Commission was established to monitor, review, and make recommendations for improving implementation of those adopted recommendations in the Student Desegregation Plan which relate to the employment, deployment, and promotion policies, practices, and procedures of the Board of Education and to the pre-service and in-service training and experience of Board personnel. During the 1981-82 school year, the subcommittee attempted to determine what progress, if any, was made by the Board in

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the areas of affirmative action taken at all levels of employment, faculty desegregation, and activities for the development of new skills and attitudes by administrators, teachers, and other designated Board personnel.

Problems and Strategies in Monitoring

Focused subcommittee activity took place after the Commission's formulation of operating procedures and adoption of its Role and Responsibilities document in April, 1982. The subcommittee initially focused its attention on issues of affirmative action and faculty desegregation. The Board document -- Staff Racial/Ethnic Survey -- did not provide data sufficient for the subcommittee's specific needs. For example, the document provided data on the numerical distribution of faculty and staff, but the information was not pertinent to questions about what positions, including administrative, minority employees held. Accordingly, the subcommittee requested additional data on the racial/ethnic composition of teaching and administrative staff by subject and grade level certification and by seniority or years of service.

The subcommittee planned site visits to schools selected by OEEO in June to verify data in the Racial/Ethnic Survey document and to determine how the Board's personnel policies and practices were being implemented at the local school level. The subcommittee requested from Board staff additional data needed prior to its site visits.

The subcommittee made visits to 15 schools identified by the Office of Equal Educational Opportunity during the week of June 7-11 and June 16, even though the information requested from Board staff had not been supplied. Its decision to proceed was based on its desire to

accomplish this part of its mission before the end of the 1981-82 academic year. The information obtained during school site visits, however, was inconclusive. Subsequently, the subcommittee requested that OEEO provide, in writing, the rationale that had been used to select the schools.

When the subcommittee turned its attention to faculty desegregation, Board staff advised that (1) the specific information on the racial composition of the teaching staff by grade level certification was currently unavailable in the format requested and that (2) such information could not be provided without a major rewriting of current operating programs.

The unavailability of the specific information requested by the subcommittee was a significant obstacle to monitoring affirmative action implementation during the 1981-82 school year. Moreover, restrictions posed by the Board's personnel file maintenance structure and computer programming thwarted review and proved costly in utilization of time.

Reflections on the First Year

The Commission has experienced a considerable amount of frustration in its attempts to carry out its monitoring responsibilities over the 1981-82 school year. These frustrations are not traceable to any individual or to any single part of the school system. Rather, upon reflection, they appear to be due, on the one hand, to the Commission's mandate and, on the other, to the complexity of the tasks given a multi-layered bureaucracy such as that of the Chicago Board of Education.

Each of the four subcommittees have complained of a lack of

appropriate information and the fact that the Commission has had to rely heavily upon progress reports and data emanating exclusively from Chicago school administrative sources. Some have expressed concern over responses to specific requests for information or data that were slow in coming. It has also been suggested that the subcommittees are hampered even by the way in which Board progress reports use the English language. According to one report, "The extensive use of vague terminology has hampered the subcommittee's assessment of progress on implementation."

Some of the difficulties identified by the subcommittees during these past months are directly traceable to the Office of Equal Educational Opportunity. The Office of Equal Educational Opportunity (OEEO) -- a newly created special subdivision within the Board, designed to coordinate implementation of the Plan -- is a source of data, information, and linkage for the Commission to the remainder of the system. The problem may not have been so much that the OEEO is not cooperating with the Commission as some have felt, but owing to the limitations under which it must function.

The OEEO has an inordinate mandate, limited staff, and limited authority. It should be noted that the OEEO does not generate much of the information sought by the Commission, except that pertaining to those programs operated by OEEO itself. Even though there are approximately 47 staff members in the OEEO, the Office -- relative to its mandate -- is understaffed, as is the Monitoring Commission. (The Commission itself has functioned with only a full-time executive director and one half-time secretary. Up until December, 1982, there were four consultants, one assigned to each subcommittee).

The OEEO may on occasion be less than timely in responding to the Commission's requests because of the many different entities that make demands on it in addition to the Commission. The OEEO must, for example, be responsive not only to outside special interest groups but most importantly to the Board of Education's Desegregation Committee and attorneys hired to represent the Board in legal matters related to desegregation. Moreover, the OEEO would appear to be lacking in ability to extract timely responses of information, data, and analyses from other line departments. It has a coordinating liaison relationship only. Thus when the Commission requests information, if the data are not readily accessible, the OEEO in many instances waits its turn. This results, of course, in longer turnaround times for the delivery of information to the Commission.

In addition, the Associate Superintendent responsible for this staff function does not report directly to the General Superintendent. This may not influence the extent to which OEEO has been slow in responding to Commission requests, but it may be an impediment.

Many of the difficulties the Commission has faced these past months are clearly linked to lack of sufficient resources to monitor a desegregation plan in a school system serving 435,843 children. The Commission as presently constituted must rely upon the OEEO, and this relationship has given rise to frustration and tension. It is important to remember that the Commission is a voluntary body. The frustrations voiced by individual commissioners and by subcommittees are positive expressions aimed at avoiding one of the pitfalls which "has destroyed" many voluntary commissions -- being ignored.

Mindful of the operating difficulties it has experienced, in

November, 1982, the Commission hired a Lead Consultant and in December, 1982, adopted four principles and assumptions fundamental to its operation in the future:

1. Accountability

   The Commission is an independent body accountable ultimately to the citizens of Chicago.

   The Commission's mandate is to provide an independent citizen's view of the Board's efforts to implement the Student Desegregation Plan. In so doing, the Commission is accountable to several publics -- the general public, the General Superintendent, the Board of Education, and the U.S. Justice Department. The Commission should be cognizant of degrees of accountability. Its primary responsibility, however, is to the general public. The confidence that the general public bestows on the Commission gives it its credibility.

2. Sources of Information

   The Commission will seek out and consider the opinions of teachers, parents, children, and neighborhood representatives as well as sources of information developed by the school system.

   For data, the Commission must go beyond what it can get through school information channels alone. It must also take into account the perceptions of various individuals and groups who interact with the school system. The Commission must look not only for substantive change as it relates to the implementation

of the desegregation plan; it must also take into account the perceptions of change or non-change in the schools by teachers, parents, pupils, community leaders, etc.

3. Relationship with Office of Equal Educational Opportunity

The Office of Equal Educational Opportunity is a newly created arm of the Board of Education, formed to assist in the administration of the implementation process. It thereby serves as a source for staff support and information for the Commission.

Since the Commission, as constituted by the Board, does not have resources sufficient to collect, analyze, or interpret raw data, the Associate Superintendent of OEEO working in close cooperation with the Commission Chairman will identify specific staff persons and other resources to undertake these activities.

4. Legal and Ethical Issues

The Commission functions (1) in comformity with the levels of federal, state, and local government jurisdictions and (2) in conformity with prevailing scientific norms and ethics for the protection of human subjects and the confidentiality of data.

As indicated by the subcommittee reports which follow, analyses to date have relied upon data provided by Board staff and Board reports rather than the collection of its own data. Nevertheless, as also indicated in the subcommittee reports, the Commission's review of board documents has clearly delineated areas for future study.

III. Monitoring Strategy

Each subcommittee consultant prepared an interim report. The methodology and suggested findings from those reports are set forth below.

Target Schools

To date, the subcommittee has carried out its monitoring function in the following ways:

1. analysis of 1981-82 program proposals and application forms for supplemental State Title I and OEEO funds, as submitted for the 45 schools;
2. examination of various documents provided by OEEO; and
3. an interview with Board staff from the Bureau of Equal Educational Opportunity Evaluation, Department of Research and Evaluation.

As explained above, the subcommittee's monitoring of plan implementation was curtailed. All evaluative statements in its interim report are, therefore, based on data and progress and/or report documents provided by the Office of Equal Educational Opportunity, rather than on direct observations in the schools. (Copies of the full subcommittee report are available upon request).

Suggestive Findings, Observations, and Concerns

1. The Chicago Effective Schools project (CESP), by the end of its first year of implementation, 1981-82, has succeeded in raising reading achievement scores, although CESP schools still lag behind comparison schools and citywide schools.
2. Many problems persist in Project implementation:
   a. Pre-project instruction failed to produce proposals for the 1981-82 school year that reflected a common philosophy and unified goals.
   b. In-service training does not appear to have effectively persuaded all administrators and staff that the CESP can effectively upgrade achievement. Principals tended to blame external factors for low achievement, rarely attributing it to in-school factors.
   c. There is little evidence that regular, coordinated, and meaningful in-service training programs were integral components of individual schools' activities during the 1981-82 academic year.
   d. Only three of 36 principals appeared to have expectations for student achievement.
   e. Few principals see themselves as strong leaders; most do not demonstrate supervisory leadership.
   f. While there is parent participation, the extent of parental involvement is not known.
   g. Interview instruments often fail to probe the most important issues.

3. One positive feature in the Project's implementation was the inclusion of topics covering multicultural/multilingual concepts at the Local Schools Planning Conference, held August 16-27, 1982. Earlier, the subcommittee had criticized what appeared to be a failure to incorporate experiences into school programs which would affirm the students' cultural heritages and encourage positive self-images. It is not clear, however, to what degree the local school teams were positively reinforced in their perceptions of students and their communities, or to what extent insights emerged which would facilitate persuading their colleagues of multicultural/multilingual imperatives once they returned to the local schools.
4. Of major concern to the subcommittee is the failure of Board staff to provide requested information when needed. This was a serious impediment to the work of the subcommittee during the 1981-82 academic year.

Magnet Schools and Student Transfer Options

The basic diagnostic tool available to this subcommittee was information on the enrollment of each school, by race/ethnicity, from its own attendance area and from other school attendance areas. This information permits an assessment of (1) the impact of voluntary transfers encouraged by the plan; (2) the extent to which inappropriate transfers have been allowed; (3) the effect of desegregation measures at each school on the racial stability or desegregation of other schools;

(4) the equity of burdens and benefits for black, white, Hispanic, and other students in the system; and (5) the areas of effective recruitment or resistance.

The primary focus of the subcommittee's interim report is on desegregation outcomes. The general question explored for each group of schools reviewed was how well the intentions of the Plan were being met as seen in the context of enrollment trends since 1979.

In some instances, the report make suggestions or singles out particular schools for special concern or commendation. Such comments should be taken as "formative" rather than "summative" evaluation, since in no case was an in-depth assessment of an individual school made.

OEEO provided all data mentioned here and, in addition, other data which did not prove useful. Some important information which was requested has not yet been made available, although the subcommittee has been assured that it will be made available for future analysis. The subcommittee decided to draw as many tentative conclusions as possible from available data, with frequent cautions that they were preliminary. The subcommittee is concerned that these conclusions not be given inordinate weight; on the other hand, if any unintentional errors have occurred, perhaps they will encourage a better system of internal data management and analysis of impact assessment and transfer controls. (Copies of full subcommittee report available upon request).

Suggestive Findings, Observations, and Concerns

1. Systemwide Enrollment. The enrollment of the Chicago Public Schools in the Fall of 1982 continued to decline in absolute

numbers -- from 442,889 in 1981 to 435,843 in 1982. Whites in 1982 numbered 71,171, declining by 4,941 students. There were 4,489 fewer blacks, but 1982 enrollment numbered 264,530. The number of Hispanic students increased by 1,991 to 88,746. The Asians and Pacific Islanders numbered 10,715, an increase of 447. Thus on October 29, 1982, the enrollment in the Chicago Public School System was 16.3 percent white, 60.7 percent black, 0.1 percent American Indian/Alaskan Native, 2.5 percent Asian or Pacific Islander and 20.4 percent Hispanic.

2. Integration Stability. A number of schools with 15 to 65 percent white enrollment have done considerably better than Student Assignment Plan projections with respect to achieving stable integration. There are nearly 100 schools which could well afford to enroll more minority students and to encourage more white students to transfer out to less integrated schools without danger of losing their integrated status.

3. Black Student Transfers. The number of black students in 116 schools -- most predominantly white or Hispanic -- that the Student Assignment Plan labeled "stably integrated," "stably desegregated," or "to be desegregated" has almost doubled in recent years. Less positively, the number of schools with more than a 70 percent white enrollment is significantly larger than that projected by the Student Assignment Plan for September, 1982. In this respect, the Board's accomplishments fell short of its goals in an area most strongly emphasized in the Plan.

Moreover, a number of predominantly white schools seem "stalled" in efforts to increase minority enrollments, in some cases having enrolled fewer students of one or more minority groups in 1982 than in 1981.

4. White Student Transfers. The subcommittee's review of transfers by white students suggests that they have had a substantially less positive effect on desegregation than have those of black students. The transfers of thousands of white students to predominantly white schools and/or out of predominantly minority schools have had a negative effect on integration. It was not possible to determine how many such transfers were inappropriate, since some may have been made in connection with special programs housed only in certain schools, or have taken place before the Student Assignment Principles went into effect.

5. Magnet Schools. Significantly, Chicago's 29 magnet schools enroll only 4 percent of all students in the Chicago school system. Whatever their promise for the future, the magnet schools should not be the only standard for assessing the impact of school desegregation initiatives. There are nearly 200 non-magnet schools also involved in the school desegregation process.

6. New Desegregation Programs. The subcommittee did not complete information on development of metropolitan high schools, educational teams, new specialty programs, and other new desegregation measures. However, the subcommittee's preliminary review of enrollments suggested that, at the very least, such new programs have not yet made a substantial impact on racial isolation in Chicago.

Other Educational Components

The subcommittee asked its principal consultant to prepare an interim report on the Board's progress in implementing the adopted recommendations falling under the subcommittee's review. Information on plan implementation -- extracted from three Board Progress Reports (August, 1981; November, 1981; and May, 1982) and OEEO's Preliminary Annual Review comprised the contents of the report. (Copies of full subcommittee report available upon request).

Suggestive Findings, Observations, and Concerns

1. The subcommittee has been unduly handicapped by the lack of appropriate information, having to rely heavily on progress reports emanating exclusively from Chicago school administrative sources.
2. To date, Board of Education reports do not show a great deal of progress in meeting specific recommendations. There is insufficient documentation of the quality and quantity of progress. Clear progress toward plan implementation is indicated for pitifully few of the adopted recommendations within the subcommittee's purview.
3. There apparently is lack of real movement in the Board of Education to carry out the contingencies of the desegregation plan; this seems to be reflected in the limitations placed on the Office of Equal Educational Opportunity.
4. The extensive use of vague terminology in Board documents

has hampered the subcommittee's assessment of progress on implementation.

Affirmative Action and Staff Development

To date, the subcommittee's activities in monitoring, reviewing, and making recommendations have been minimal, for the reasons stated above. Board progress on implementation of adopted recommendations contained in the subcommittee's interim report, therefore, is the progress cited in three Board Progress Reports dated August, 1981; November, 1981; and May, 1982. (Copies of the full subcommittee report are available upon request).

Suggestive Findings, Observations, and Concerns

1. Implementation of the Board of Education's existing Affirmative Action policy should be modified and expanded to be applicable to all levels of employment and all personnel policies.
2. The limited progress reported with respect to the development of a comprehensive affirmative action program is a major source of concern for the subcommittee.
3. Board documents on in-service workshops and other staff development sessions do not indicate that a well-defined program for administrative training and staff development is in place. Activities cited in Board progress reports, to date, appear to have provided a superficial orientation to what needs to be an integrated, sequential, and continuous process.

4. The unavailability of specified information requested by the subcommittee was a significant obstacle to monitoring affirmative action implementation during the 1981-82 school year. Moreover, restrictions on use of the Board's personnel files and computer programming thwarted review and proved costly in utilization of time.

IV. Constitutional Vulnerability of Chicago's Student Desegregation Plan

Chicago's Student Desegregation Plan is not a traditional desegregation plan. For many, it is primarily a plan to upgrade educational offerings in racially isolated and segregated schools, operating under the rubric of a "desegregation plan." The Court has found this plan constitutional based not just on its promise, but on the extent to which in implementation that promise is fulfilled. Consequently, if social justice is to prevail, the Board must not falter in fulfilling its promise to the 350 or more racially isolated schools, for the Plan's constitutionality turns on its implementation.[1]

The Commission's observation of the implementation of the Student Desegregation Plan over the 1981-82 school year prompted the exploration of two concerns: first, school compliance with the mandatory standard for desegregation; and second, the Board's financial commitment to racially isolated schools. For example, while the Plan projected three schools out of compliance by Fall, 1982, eight were not in compliance.[2] Among elementary schools alone, 21 more are subject to tipping into noncompliance. Further, according to Part II of the Plan, the Board was to commit $40 million to provide quality education in racially isolated schools. This level of funding was neither committed nor

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1. The reader is reminded that racially isolated schools are those having 85 to 100 percent minority enrollments.

2. These were Carroll, Dore, Byrne, Taft High, Pasteur, Cassell, Washburne, and Clissold.

spent. Moreover, the Board when adopting its Student Assignment Plan in January, 1982, included a caveat whereby future financial commitments need not be earmarked for the racially isolated schools.

Schools Vulnerable to Noncompliance

The Student Assignment Plan contained the mandatory requirement that all schools in the system have at least 30 percent minority enrollment by fall 1983. Conversely, this means that no school in the system is to have a white enrollment which exceeds 70 percent. (A white enrollment of 70.1 percent, therefore, is out of compliance.)

By October, 1981, after initial implementation of the Plan, 32 schools (3 high schools and 29 elementary schools) remained out of compliance. The Plan projected that "virtually all of the remaining 32 schools that had less than 30 percent minority enrollment in 1981 are projected to meet the requirement in the 1982-83 school year, a year ahead of the date required by the Plan. Only 3 schools are projected to need the third year which is permitted under the Plan."

As indicated above, the fall 1982 school year found 8 schools out of compliance. The Commission staff examined available statistics on 21 elementary schools that had 65.1 to 70.0 percent white enrollments as of October 29, 1982. According to the Student Assignment Plan, 14 of these 21 schools were classified as schools that are "to be desegregated,"[1]

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1. Those schools that had less than 30 percent minority enrollment in 1981 but were projected to meet that requirement in the 1982-83 school year. These schools are to become stably desegregated, with at least 30 percent minority enrollment, by Fall, 1983. Chicago Board of Education, Student Assignment Plan, January, 1983, p. 151.

five were classified as "stable integrated schools,"[1] and two were classified as "stable desegregated schools."[2] By 1982, all 21 schools were in compliance with less than 70.1 percent white enrollment (See Table 1); this represents progress. Nonetheless, the minority-majority balance at these schools is precarious and thus the compliance status of all 21 is vulnerable to constitutional slippage. A shift in the racial/ethnic composition of only 246 students (assuming that the total enrollment at each school remains the same) would tip all 21 schools into the segregated category--a percentage white of 70.1. Furthermore, at Hale, Sawyer, and Hitch the number is less than two children; at Farnsworth and Twain, three children would shift the schools out of compliance. At Eberhart, Hurley, Grimes, and Ebinger the number ranges from four to ten students. Thus, nine out of these 21 schools are precariously close to tipping out of compliance, and the 12 others are not far away.

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1. A stable intregrated school is one which is: (a) presently naturally integrated; (b) projected to remain integrated through October, 1985, and (c) projected to experience a change in either white or minority composition, derived from its natural attendance area of less than approximately 20 percentage points from October, 1981 through October, 1985. Chicago Board of Education, Student Assignment Plan, January, 1982, p. 59.

2. A figure of approximately 20 percentage points change in either white or minority enrollment over four years is established as a measure of stability. This represents an average annual change of about 5 percent. Chicago Board of Education, Student Assignment Plan, January, 1982, p. 62.

A desegregated school is one which has an enrollment consisting of at least 30 percent white children and 30 percent minority children, where that enrollment has been established primarily by student assignment techniques under the Plan. Chicago Board of Education, Student Assignment Plan, January, 1982, p. 128.

Table 1

Change in Racial/Ethnic Composition in Chicaago
Elementary Schools with 65.1 to 70.0 Percent
White Enrollments as of October 29, 1982 which
Would Result in Non-compliance with Plan Requirements

School (District)	Total Enrollment	Number of White Students	Percent White Students	Change in Racial/Ethnic Composition - Number of Students
Hale (12)	466	325	69.7	1.9
Sawyer (12)	403	281	69.7	1.6
Hitch (1)	335	233	69.6	1.7
Farnsworth (1)	324	225	69.4	2.3
Twain (12)	376	261	69.4	2.6
Eberhart (15)	544	377	69.3	4.4
Budlong (1)	705	483	68.5	11.3
Dawes (15)	594	405	68.2	11.3
Gray (4)	454	308	67.8	10.4
Hurley (15)	313	212	67.7	7.5
Marquette (15)	700	474	67.7	16.8
Boone (2)	608	409	67.3	17.0
Shields (8)	590	396	67.1	17.7
Nightingale (12)	599	401	66.9	19.2
Clinton (2)	717	478	66.7	24.4
Grimes (12)	182	121	66.5	6.5
Beaubien (1)	359	237	66.0	14.7
Falconer (4)	539	354	65.7	23.7
Dirksen (1)	503	330	65.6	22.6
Ebinger (1)	209	137	65.6	9.4
Lyon (4)	397	260	65.5	18.3
Total				245.3

Source: Board of Education of the City of Chicago, Report No. SM656, October 29, 1982 Survey EKG, Prepared 12/4/82, pages 13 and 14.

Board staff are encouraged to attend carefully to these schools and their programs to maintain and even enhance what has been achieved.

The Imperative of Quality Education

The 1980 Consent Decree provided the original legal context for the Board to develop a plan to "provide educational and related programs for any black or Hispanic schools remaining segregated."

As of October 29, 1982, there were approximately 255,000 children of minority groups enrolled in schools officially classified as racially identifiable.[1] Minority children in racially isolated schools comprise 64.9 percent of all children enrolled in Chicago's public schools. Of this group, black students are particularly isolated: 62.4 percent (148,794 children) are enrolled in schools with 100 percent minority populations;[2] four out of every five black children (87.5 percent) attend racially isolated schools.

Ethnic and racial minorities other than blacks also are isolated in Chicago's schools, although not to the same extent. Of the 79,035 Hispanic children enrolled, 57.1 percent (45,150 children) are in racially isolated schools.[3] One in eight of the Asian children (1,218 of the 9,822 enrolled) are in racially isolated schools, as were one in four (165 out of 641) of the native American students.

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1. Enrollment data stated for grades one through twelve.

2. Such schools are almost exclusively black.

3. The Hispanic children are an ethnic minority that, on the basis of race, can be classified as black, white, or other. According to the 1980 census, of the 422,063 Hispanics in Chicago, 45.17 percent were categorized as white, 2.15 percent as black, and 52.67 percent as other races.

For the bulk of Chicago's minority school population to receive a quality education, the Board must assure an equitable allocation of resources to those schools classified in the Plan as racially identifiable. The Board initially acknowledged this responsibility upon its adoption in April, 1981 of the Recommendations on Educational Components. It stated:

> A desegregation plan must, therefore, address not only the physical desegregation of schools, but also the educational desegregation of individual students. The educational disadvantages resulting from past racial/ethnic isolation--or any such isolation that may have to continue--must be remedied. The overriding goal of this plan is to address minority students' educational needs arising from the segregation of public schools.

In Part II of the Plan the educational components were referred to as "an essential element of constitutional relief" (emphasis added) for racially isolated schools. This document also contained the Board's financial commitment to those schools:

> While the exact costs of the educational components are not yet known, the Board believes that the core level of funding required to make reasonably effective those educational components directed to black and Hispanic schools remaining racially isolated is $40 million annually in fiscal years 1982 and 1983, and $20 million annually thereafter (although additional funding would be strongly desirable).
>
> Accordingly, the Board commits itself to the expenditure of those amounts for the educational components directed to black and Hispanic schools remaining racially isolated.

Given the Board's concern and officially adopted commitment to improving the education of black, Hispanic, Asian, and native American students, it becomes vital to examine the extent to which fiscal

resources have been allocated appropriately and spent for improvement of education in the racially isolated schools. The Commission has not yet carried out a comprehensive and detailed analysis of allocations and expenditures for this purpose, but some tentative observations can nevertheless be made.

Omitting for the moment a category of funds generically called State Title I monies, Board data indicate that $13.8 million was allocated for the operation and support of various Options for Knowledge programs involving approximately 158 school sites during the 1981-82 school year.[1] Only $10.9 million was made available during the same period for programmatic interventions in more than twice as many racially isolated schools.

State Title I funds must be considered, however, since the Board treats a portion of them -- the Commission thinks inappropriately -- as funds available to implement the desegregation plan. Title I monies are dollars that accrue to the school system as a result of a weighting factor added to the count of economically disadvantaged students in the system. As a result of a change in the relevant legislation (Sec. 18.8 of the Illinois School Code) the Chicago Board of Education is required each year to calculate the State Title I entitlement for each school in the District.

Last year, about 495 schools shared a total allocation of $16,605,951 in reallocated State Title I funds in addition to their base operating budgets. The supplemental allocations for individual schools ranged from as little as a few hundred dollars to the single largest allocation of $324,000.

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1. Of these, some 95 are schools involved only in Permissive Transfer and Open Enrollment programs.

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This Commission seriously questions the propriety of the Board reallocating State Title I funds for desegregation purposes, since these are monies that the schools would receive were there no desegregation plan. But even if State Title I expenditures are so counted for 1981-82, the Commission has noted that the total dollar amount provided by both Board and reallocated state funds for racially isolated schools comes only to about $28.4 million, still some $12 million short of what was promised.

Several caveats are contained in the Comprehensive Student Assignment Plan with regard to financing the desegregation program. Consider the following:

> While all Plan provisions are requirements which the Board determines to implement, future financial constraints may make implementation of certain Plan provisions impossible.
>
> and
>
> Therefore, in instances of extreme financial hardship, where implementation of any Plan provision is impossible, the Board may seek authorization from the Court to differ or vary, in whole or in part, the level of financial commitment imposed by such Plan provision. In such circumstances, the Board may also request financial assistance from the State of Illinois and the United States in order to ensure continued implementation of the Plan.

In the Student Assignment Plan, the Board noted that because of financial difficulties the Chicago School Finance Authority continues to supervise its expenditures. A caveat contained in a footnote on page 319 of the Plan indicates that the Board's original attempts to amend the 1980-82 Financial Plan were rejected by the authority:

> Upon adoption of Part I and Part II of the Student Desegregation Plan, the Board acted to amend its Financial Plan then in effect (the Plan for the remainder of Fiscal Year 1980 and Fiscal Years 1981 and 1982) to incorporate the financial aspects of those Parts of the Plan. This amendment was rejected by the Authority in July, 1981. Thus, the only provisions of the Plan which currently constitute obligations of the Board, pursuant to the Act, are those presently budgeted for the current fiscal year. (emphasis added)

Further, on September 3, 1981, the Authority approved the Board's Financial Plan for Fiscal Years 1982-84, indicating that "For Fiscal years 1983 and 1984, no reasonable estimate of desegregation costs can be made at this time." It is a little known fact, therefore, that the Board's financial "commitment" to programmatic interventions and educational enhancement to racially isolated black and Hispanic schools could be for only one year.

Consequently, on November 4, 1982, the Commission requested the General Superintendent to respond to the question as to whether the Board had sought authorization from the Court to differ or vary the level of financial commitment imposed by the Plan. In response, the OEEO advised the Commission in a memorandum dated December 16, 1982, that according to the Board's desegregation counsel, the Board had taken no action.

The Commission has a resporsibility to all of Chicago's children. It is important that the Board's caveats do not become institutionalized excuses for the Board's failure to provide for Chicago's children remaining in racially isolated schools. The Commission is concerned that the quarter of a million minority children receive equity in a

time of increasing scarcity. The fiscal constraints on the Board's ability to deliver educational services are real. But this cannot excuse unfair disparities in allocating and expending public funds for the children in Chicago's public schools.

* * * *

Finally, the Commission is reminded that the Board of Education, the body responsible for the policy content of desegregation implementation in Chicago schools, should be scrutinized for compliance with Title VI of the Civil Rights Act of 1964.[1]

Title VI states that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d).

The Board's Committee on Student Desegregation has no black representation, while 60.7 percent of Chicago school children are black compared to 20.4 percent Hispanic, 16.3 percent white, and 2.6 percent all others. The Chairperson of the Desegregation Committee is Martha Jantho. Its members are Betty Bonow and Luis Salces.

The composition of the Desegregation Committee, at worst is in violation of Title VI and at best is insensitive to the need for balanced racial and ethnic representation. While the federal dollars forthcoming to the Chicago Public Schools are few relative to its total budget, the principle of Title VI must prevail.

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1. See Mary Davidson, "Title VI and Social Services: Achieving Simple Justice," prepared for the Regional Office of Technical Assistance, Office for Civil Rights, U.S. Department of Health and Human Services, Region VI, (through Contract R6-2395-81), Dallas, 1982. (Forthcoming, Journal of Intergroup Relations, summer, 1983.)

It is appropriate to restate one of the arguments offered in support of Title VI which bears directly on these issues:

> ... of all the provisions of the Civil Rights Bill, none rests on so simple and so sound a principle as does Title VI. That principle is taxpayer's money, which is collected without discrimination, shall be spent without discrimination.
>
> This principle requires no argument. It is based on simple justice. It is based on ordinary decency. It is consistent with, if not required by The United States Constitution.
>
> Senator Abraham Ribicoff (D., Conn.)
> U.S. Congressional Record, April 7, 1964, p. 7064.